

**BUILDING & BUILDING CODES COMMITTEE MINUTES
JULY 18, 2023**

The Building & Building Codes Committee meeting was held on July 18, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:00 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Heidi Webber, Joanne Krejci; Council: Paul Marnecheck, Mike Wos, Jeremy Dietrich; Administration: Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, Finance Director Jenny Esarey, Law Director Tom Kelly, Building Commissioner Dave Smerek, Economic Development Director Tom Jordan, City Planner Ian Russell; Other: David Coulson, Ken Krejci, Joel Spatz.

APPROVAL OF MINUTES

Approval of June 20, 2023 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Ms. Webber. Vote: Yeas: 3 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

See report.

Mr. Jordan discussed his report. Ms. Krejci asked for more clarification on the property of Tonight Tonight, as to whether they have applied for a permit to demolish. Mr. Jordan stated yes, that it has been issued and we are waiting on the date. Mr. Nickell raised question regarding the former Carrie Cerino's. He wanted to know when there is a large renovation such as this, whether they would have to add a sprinkler system. Mr. Jordan concurred, stating that they must comply with the code. There are some storm water issues on site as well. He believed that it was a bargain sale both times, however one needs a large investment to bring it up to code.

Mr. Jordan spoke on the industrial sites, in which there were three large parcels for sale on Abbey Road, and they have been purchased. The prospects are in contact with us relative to some proposed commercial development. Ms. Krejci inquired if that would entail the area of Route 82 to the Turnpike. Mr. Jordan agreed; past the Turnpike. Mr. Nickell asked if the three large parcels were purchased by one owner. Mr. Jordan clarified that it was three different buyers. However, one of the owners bought the largest one, in which they already owned a large portion. They are proposing a separate development for the most northern parcel. The last one went through; however, we are waiting to see more plans. Ms. Krejci questioned if those parcels are zoned commercial and industrial. Mr. Jordan agreed; General Industrial.

Mr. Nickell brought up an area on Abbey Road where a garage was built, and there is a large Howard Hanna commercial sign. He wanted to know whether all of those lots are zoned commercial. Mr. Jordan explained that all the lots on the east side, just north of the Turnpike, are now zoned General Industrial. Mr. Nickell was asking about those on the west side. Mr. Jordan indicated those are zoned research office. Ms. Webber agreed. Mr. Nickell had concern whether the resident came to Planning Commission with the intent to build a garage, however it is now a commercial building. Mr. Russell explained that the garage was built and there was a variance granted for it, roughly in February 2023. He continued that it is set back far enough. There is a vacant lot in front of that garage, which is a separate parcel. Mr. Nickell felt that it was a strange situation. Mr. Russell felt that the owner was trying to market the property for a research office approved use; the entire ten-acre parcel. The intent was not to run a business out of the garage, but to sell the entire property for development.

Mr. Jordan mentioned that he was pleased the bid for the All Purpose Trail came in under the engineer's estimate. There was an alternate in it, which is to put conduit next to it so that he can run up electrical lines. When you have larger events, the electricity is an important aspect. In the future, we hope to have some

events that the conduit can help to facilitate putting more electrical along that trail. Mr. Nickell felt that was a good idea.

2. Memorial Park Update/Splash Pad

- **Proposed legislation: Bid for All Purpose Trail (Memorial Park)**

See report.

Mr. Nickell moved to recommend 23-84 to Council for approval, seconded by Ms. Krejci. Vote: Yeas: 3. Nays: 0. **Motion carried.**

Ms. Webber asked about the paving that Mr. Jordan was pleased with, whether it was the same company that Mr. Cinquepalmi had referred to. Mayor Antoskiewicz indicated it was a different company.

3. Senior Center

- **Proposed legislation: Lease for Senior Center with NR Board of Education – Royalview Elementary**
- **Proposed legislation: Senior Center Design Contract**

Mr. Kelly reported that he felt we have come to a nearly final document regarding the lease with the Board of Education. He had spoken with Ms. Vozar today, in which she was informed by their lawyer that he has a couple more items he wants to discuss. However, they are mainly on board for all the provisions that we put in and that we recommended; it is a negotiation. We believe we are in a very good position. It is entirely contingent, not only upon Council's approval of the lease, but in terms of a construction project. The lease is contingent upon that execution of a contract with a bidder for the work; for the construction. At any given point, if we need to shift gears and go in a different direction, we have that capability. He noted that we expect this will be where we should end up with the Center.

Ms. Krejci brought up Ordinance 23-85, which is for the lease. She asked if we want to move the lease out for voting tonight. Mr. Nickell mentioned that it looked as though we budgeted \$480,000 maximum, for when this bid comes in. Mayor Antoskiewicz concurred, stating that we are looking to approve Makovich and Pusti as the architects for the project; not to exceed the \$480,000.

Mr. Marnecheck inquired about the proposed completion date of May 2024. Mayor Antoskiewicz reiterated that we moved it back to the spring. Mr. Marnecheck believed that the inside was to be completed by the end of the year. Mayor Antoskiewicz commented that we must move everything back after speaking to the architects; therefore, no. He continued that it seemed it would not be complete at the end of the year; it was moved to a spring opening. Mr. Marnecheck wanted to clarify that we are not moving any more pavement etc., and we are just reusing anything that is already there for the parking lots. The Mayor agreed.

Ms. Krejci asked if we moved the location of the Senior Center in the building. Mayor Antoskiewicz agreed. Ms. Krejci pointed out the section is more toward the main entrance now. The Mayor concurred. Mr. Nickell added that we are going to be near the main entrance where the office was. Mayor Antoskiewicz agreed, which the center was fine with and we think it will work out better.

Mr. Nickell referred to the exhibit pertaining to building renovation construction completion, and it being anticipated for December 31, 2023. Mr. Kelly indicated that was based on 2024. Mayor Antoskiewicz noted that we explored moving it back. There were small typos Mr. Kelly would be correcting. Mr. Nickell made mention that we have it on record that we feel that is an aggressive date, which he agreed; everything is pushed back and items are hard to get for contractors.

Mr. Nickell moved to recommend 23-85 to Council for approval, seconded by Ms. Krejci. Vote: Yeas: 3. Nays: 0. **Motion carried.**

Mr. Nickell moved to recommend 23-86 to Council for approval, seconded by Ms. Krejci. Vote: Yes: 3. Nays: 0. **Motion carried.**

4. Amending Chapter 1477 – Regulations for the Use and Installation of Solar Energy Systems

Mr. Jordan referred to the report. He did not believe the actual ordinance had changed since it was last considered. Mr. Nickell pointed out that in speaking with Ms. Schroeder prior to the meeting, it should be amended tonight to approve the two approvals, and then we would discuss it more in Building and Building Codes in September prior to a vote. If there are any existing panel proposals, it would just go to BZA as normal. Mr. Jordan did not believe there were any issues with the ordinance, except for the issue about panels being on the front of the homes.

Mr. Russell referred to the handout, which provided some examples of panels on the front. He continued that those are all homes in North Royalton. That is for our list of permitted electrical permits for solar panels. Obviously, these were all done before the ordinance was passed. That was prior to us having a restriction on the front facing roof. The goal was to give some examples of what the solar panels look like, that are up on the street facing the side; on a variety of different houses throughout the City. Ms. Krejci stated that we have always had the restriction that you cannot have them on the front. However, BZA was approving them to be allowed. She wanted to clarify this, as to whether the idea is allowing them to be on the front, which we have said no up to this point; if she understood correctly. Mr. Russell believed that prior to the passing of Chapter 1477, there was no restriction on the location of the panels; these were not granted variances to be on the front. Mr. Nickell shared that he did not mind having them in the front. Ms. Krejci had asked people in her ward what their opinions were. She felt perhaps, they may not like them on the front for aesthetics reasons, which she remembered what Mr. Kelly conveyed. However, her feedback was that most people were okay with having them on the front. She noted that the HOA's are likely not going to allow them anyhow.

Mr. Kelly advised that the state legislator just passed some changes to the law regarding both condominium and HOA's on solar panels, and has yet to make a full assessment of how that is going to impact those entities going forward. He would review that information as soon as he could and send a memo to everyone. Ms. Krejci stated she was also okay with allowing them. She felt that we could approve it with the amendment at this time, and in September, we could vote. Mr. Dietrich was not a fan of having them on the front of the home. He had done some research, where you can still get energy if it is not in the most desirable position on the home; it is just going to be a less percentage. He felt that the question would be what the percentage less actually is; he thought it was roughly within 20%. Perhaps it is better on the front to get the most energy, which he takes into consideration as well; they can always be put on the back. Mr. Nickell commented that we are a zoned city and we regulate so many things for aesthetics reasons. We have a Town Center, which we have wanted a certain look for; it is not unusual. Mr. Dietrich agreed and he brought up the Dollar Store, which was potentially looking to be put on State Road. He went on to say due to how we felt about their generic exterior plan, we told them no. Therefore, we did advise someone that they could not do this for aesthetics reasons.

Mayor Antoskiewicz pointed out that generally, if people do not like something, they voice their opinion. He did not believe we have received any complaints with people getting them put in. He went on to say that if someone does not like something, they are going to contact us; which has not happened. Regarding the Dollar Tree, we had people come here. The Mayor has never heard anyone complain about any of these solar panels and where they are located. He was not even aware of where these were in the City and did not feel that they stick out. He reiterated that people will inform us if they are unhappy and he has not heard anyone complain. He brought up a past scenario where there was a building painted purple and how many calls we received about it. Mr. Nickell wanted to clarify what he was voting on tonight pertaining to Ordinance 23-75. Mr.

Kelly stated that if he understood everyone correctly, all were in favor of the regulations pertaining to fire; putting off the question of the solar panels to a later date.

Resident Mr. David Coulson, of 10770 Silver Tree Trail, wanted to speak in favor of these panels. He commented on how expensive his electric bill was last month. His family had a design completed with some panels on the front of the house. He discussed the significant savings it would allow. Aesthetics reasons are very challenging to define on a roof in his opinion. Since his house is facing “the incorrect way,” that costs him a large amount of money. He is seeing what can be done to adjust the design to make it compliant with ordinances. He has HOA’s approval for his design. He would agree that most people do not mind. People are very concerned about the energy costs and inflation. His rates have doubled in the last year. He hoped that we could look at these ordinances again. He made the point that people have different windows, glass, and doors on their homes; aesthetics is a very vague point. Mr. Dietrich inquired about the cost of the panels. Mr. Coulson indicated that if you put it on the north side of the house, you can put fewer panels. In that design, part of the front is a garage, with an east to west roof. Therefore, that could not be transferred to the back of the house. The panels are the cheapest part of the installation. Mr. Dietrich recapped about his research, whereas certain panels look like shingles and look exactly like a roof.

Mr. Nickell mentioned that we will discuss it again in September. As discussion ensued about cost effectiveness, Mr. Nickell brought up comments that were made about discrimination; houses that face one way. To clarify, Mr. Nickell wanted to point out that according to federal law, discrimination is defined as basis on race, color, religion, sex, national origin, disability, age, ancestry, military status; which says nothing about aesthetics.

Mr. Jordan explained that the original proposed ordinance did two things; it added language relative to the fire and safety rules. He continued that in section B3, it struck out the prior prohibition against the front side of the house. If Council were to pass it as is, it would allow for it. If it is amended and removing that strike out in section B3, you keep the prohibition in place. Ms. Webber wanted to know if we wait on that, as we are going to discuss it in September, whether we need to do that on an amended ordinance. Mr. Dietrich stated that for the fire and safety aspect, we are fine with it. If that is not an urgent thing, then we can wait. Mr. Marnecheck preferred to get the fire portion in place, just in case someone comes with an application before we make changes.

As discussion ensued, Mr. Nickell pointed out that there is a BZA meeting tomorrow. Mr. Jordan explained that if someone comes with a rear mounted panel, they do not have to go to BZA. Mr. Marnecheck noted that we only have one coming to BZA. Mr. Nickell recapped that basically, the amendment is going to take out the strike out; for example, un-take it. Mr. Jordan concurred. He clarified there has been a current application in BZA waiting to see what Council does. Mr. Nickell stated that his vote would be no, as well as, no in BZA. He brought up August recess. It was not considered an emergency, and was apparent that everyone was on the same page pertaining to the fire code.

Mr. Nickell moved Ordinance 23-75 out of Building and Building Codes Committee for approval, un-redacting section B3, seconded by Ms. Webber. Vote: Yeas: 3. Nays: 0. **Motion carried.**

Mr. Nickell concluded that we will vote on the amendment on the Council floor. Mayor Antoskiewicz agreed; to vote on the amendment and then vote on the ordinance.

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the July 18, 2023 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 6:45 p.m.**



ECONOMIC DEVELOPMENT REPORT

BUILDING & BUILDING CODES MEETING

TUESDAY, July 18, 2023

Industrial

- The new 12,000 square foot building for Gray Matter, LLC, located at 9841 York Alpha Drive, has received a temporary occupancy. Electrical components for the project have arrived for the power upgrade. When construction is completed, we will issue a permanent Certificate of Occupancy.
- In the final 2022 Federal consolidated budget the City of North Royalton received a \$2 million appropriation/grant for the York Beta Industrial Park Extension. The Wastewater Department is managing the grant and project.
- Morel Landscaping is building a 9,000-sf office/warehouse building at 12024 York Road. New building plans have been submitted.
- Lozinak & Sons is building a 5,000-sf accessory building at 10769 Royalton Road. The building has been enclosed and site work remains.
- Fazio Mechanical bought 13821 Progress Parkway and is renovating this 20,700-sf building. The company has moved in and has started a small interior renovation. Construction is underway and inspections are ongoing.
- The city is proposing to purchase two parcels in the industrial park on York Alpha to use for a roadway improvement and the remainder of the land is to be used for development. Phase I Environmental Survey has been ordered. The city is exploring grant funding for design and construction of the Cul-de-sac. Sale is still pending.

Commercial

- Chipotle has proposed to redevelop the former Burger King at 5702 Royalton Rd. The site plan application was approved at the Planning Commission of July 6, 2023. We are awaiting plans for permits.
- The former New Gum Do site has been demolished. The site is up for sale. The demolition has not been completed.
- The former Carrie Cerino's restaurant is vacant. The owners are considering development options. I reminded them of their maintenance responsibilities.

- The former Tonight Tonight property on Royalton Road has been on the market for years. The building has been cited for maintenance issues. A permit for demolition of the existing structure has been issued. We are awaiting start date.
- The new owners of Mr. Divots have filed for a building permit for new construction. The permit is waiting to be picked up. They have already started some smaller improvements.

Residential

- There is a four-lot minor subdivision proposed for the end of Sherwood Trail. The project received preliminary site plan approval but the developer is currently considering changes to the preliminary plan.
- We are reviewing a subdivision plan near the entry to Harley Hills.
- The proposed subdivision located near Sprague and State Road received preliminary approval at the March meeting of the Planning Commission. The project will be seeking preliminary site plan approval for 20 single-family cluster homes. They do not have final site plan approval.
- There was a proposed 5-unit subdivision off of Cedarwood which was denied at Planning Commission.

Zoning Updates

- The company that performed the Master Plan has provided a draft of the TCD updates that were recommended by the Master Plan update of 2020. The goal was to simplify the TCD districts and recognize the current retail market. The Administration's review has just been completed. We will be drafting legislation soon.
- An edit to the existing standards for solar power is proposed. We are proposing removing the requirement that the solar panel be installed only on the rear roof of the house. We are adding a requirement that the electrical disconnect box and dwelling be clearly marked as solar powered.

York Road Baseball Fields

- The lights have been ordered and we expect construction to begin in August 2023.

Storefront Program

- As of December 31, 2022, we have approved approximately \$69,000 in Storefront Program funding. We have approximately \$45,000 available for 2023

Grants

Memorial Park

- The design was completed for Phase 1 of the All Purpose Trail. The recent bid total from Ohio Paving and Construction Co. totaling \$237,091.45 is before Council tonight for acceptance.
- The city has received a \$1,000,000 grant from Cuyahoga County to cover the cost of implementing the Memorial Park Master Plan including all of these phases.
- The Splash pad was opened on Memorial Day. After operating for just over a week City staff noticed a loss of pressure. Repairs to feature pump were completed. A revised punch list was forwarded to the contractor.

NOACA Grant

- NOACA has informed us that they ran out of money and cannot install the charging station at this time. Instead of installing 47 stations they are only constructing 40. Ours was one of the 7. They are applying for additional federal grant money to cover the install of the remaining seven.

Land Bank Parcels

- The city is considering marketing some of the larger vacant parcels from the land bank.
- Also, we plan to place all the vacant land bank parcels on the city website.
- The city has listed the two residential parcels on West 130th Street on the city website.